

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules	to Ensure)
		CC Docket No. 94-
		102
Compatibility with Enhanced E911 Emergency)	
Calling Systems)	

To: The Commission

**REQUEST FOR WAIVER OF THE DECEMBER 31, 2005
95% GPS SUBSCRIBER PENETRATION REQUIREMENT**

CTC Telecom, Inc. (Reporter), pursuant to 47 C.F.R. §§ 1.3 & 1.925, hereby seeks a limited waiver of the requirement found at 47 C.F.R. § 20.18(g)(1)(v) that a carrier “achieve 95 percent penetration of location-capable handsets among its subscribers.” Reporter seeks a waiver until December 31, 2007 in which to meet the 95% location-capable handset penetration requirement. In support whereof, the following is respectfully submitted:

Reporter is licensed to provide PCS Block E service in the Boise-Nampa, ID market (BTA050). Reporter obtained its license via assignment in October 2003. Currently all of the handsets which Reporter makes available to subscribers are location capable. Reporter achieved the 100% location capable handset activations in advance of the mandated December 31, 2002, deadline established at 47 C.F.R. § 20.18(g)(1)(iv). Thus, for very close to three years the only handsets which Reporter has activated have been those which are location capable.

As of November 30, 2005, 75% of Reporter's subscriber base possessed location capable handsets. Non-GPS to GPS capable handset conversions continue, but Reporter provides service in rural Idaho and many subscribers are not willing to change technology at this time. No-GPS subscriber technology change over is currently less than 1% each month. Accordingly, it will take approximately two years to reach the 95% penetration level. Reporter knows that among those who are not converting is a group who do not want to give up the range they have with the non-GPS capable handsets. In order to obtain new calling features a subscriber must obtain a new location capable handset; Reporter is not expanding service offerings for subscribers utilizing non-GPS handsets.

Ironically the 25% non-GPS utilizing subscribers discussed in the preceding paragraph constitutes a very loyal portion of Reporter's subscriber base. That loyalty translates into something all businesses desire: a lack of "churn." Because these subscribers do not churn their accounts, they do not receive new handsets and thus do not acquire the newer technology. Reporter hopes that the Commission does not fault Reporter for its customers' great loyalty to our company and to our mobile service.

Granting the waiver requested herein will not frustrate the Commission's underlying goal of making location services available to the public as specified in the 95% location-capable handset subscriber penetration requirement. Reporter has not yet received a PSAP request to provide Phase II location services, but our system is ready to provide Phase II service upon request to a PSAP which meets the Commission's requirements. Because Phase II service capability is available in our market, because no PSAP has requested Phase II location services, because the only

handsets we distribute are location capable, and because it is consumer decision making which keeps Reporter from achieving a 95% subscriber penetration level, granting the waiver will not delay any PSAP's provision or use of E911 location services and will not delay any subscriber who chooses to subscribe to a service which provides the location function. Accordingly, granting the instant waiver request will not frustrate the Commission's goal of achieving 95% subscriber penetration and will ensure that all current users of our wireless services

WHEREFORE, it is respectfully submitted that Reporter has demonstrated a good faith effort to reach the 95% location-capable handset penetration level, that Consumer reluctance appears to be the main factor precluding Reporter from reaching the 95% location-capable handset penetration level, that the Commission's goals would not be frustrated by a waiver grant, and that grant of the limited waiver requested herein would serve the public interest.

Respectfully submitted,
CTC TELECOM, INC.

Timothy E. Welch
Hill & Welch
1330 New Hampshire Ave., N.W.

Washington, D.C. 20554
202-775-0070[9026] [FAX]

#113

December 5, 2005